

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
CLERK OF COURT
2019 JUL 30 AM 6:12
S.D. OF N.Y.

D!Juan Collins B&C #349-18-07053

Write the full name of each plaintiff.

-against-

New York City, NYC Police Officer-

Lorraine Ramos #20126; NYC Police Officer-

Keith Rodriguez #21201 ; NY County,

NY County A.D.A., Mark Murphy (see attached)

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

(Include case number if one has been assigned)

42 U.S.C. §1983

COMPLAINT

Do you want a jury trial?

☒ Yes ☐ No

19 CV 7156

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants), 28 USC § 1367(a)

☒ Violation of my federal constitutional rights

☒ Other: violation of state law claims (statutory); 28 USC § 1367(a)

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

D' Juan	Elihu	Collins
First Name	Middle Initial	Last Name

N/A

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

N/A

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Otis Bantum Correctional Center

Current Place of Detention

1600 Hazen St.

Institutional Address

East Elmhurst

New York

11370

County, City

State

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: _____

IV. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	<u>Scott</u>	<u>Stringer</u>	<u>(City of New York; County)</u>
	First Name	Last Name	
	<u>New York City Comptroller</u>		
	Current Job Title (or other identifying information)		
	<u>1 Centre St., Rm. 1225</u>		
	Current Work Address (or other address where defendant may be served)		
	<u>New York</u>	<u>New York</u>	<u>10007</u>
	County, City	State	Zip Code
Defendant 2:	<u>Lorraine</u>	<u>Ramos</u>	
	First Name	Last Name	
	<u>NYC Police Officer Shield #20126</u>		
	Current Job Title (or other identifying information)		
	<u>34 Precint, 4295 Broadway, N.Y., N.Y.</u>		
	Current Work Address (or other address where defendant may be served)		
	<u>N.Y.</u>	<u>New York</u>	
	County, City	State	Zip Code
Defendant 3:	<u>Keith</u>	<u>Rodriguez</u>	
	First Name	Last Name	
	<u>NYC Police Officer Shield #</u>		
	Current Job Title (or other identifying information)		
	<u>34th Precint, 4295 Broadway</u>		
	Current Work Address (or other address where defendant may be served)		
	<u>N.Y.</u>	<u>New York</u>	
	County, City	State	Zip Code

II. PARTIES cont'd.

Defendant: 4

Mark Murphy
 First Name Last Name
N.Y. County Assistant District Attorney
 Current Job Title (or other identifying info.)
4 Hogan Place
 Current Work Address (or other address...)
New York N.Y. 10013
 County, City State Zip Code

Defendant: 5

Melissa Jimenez-De Armas
 First Name Last Name
Official Court Reporter
 Current Job Title (or other identifying info.)
100 Centre St.
 Current Work Address (or other identifying info.)
New York N.Y. 10013
 County, City State Zip Code

Defendant: 6

Yvonne Nix, Esq.
 First Name Last Name
Legal Aid Society-Attorney
 Current Job Title (or other identifying info.)
49 Thomas St.
 Current Work Address (or other address...)
New York N.Y. 10013
 County, City State Zip Code

Defendant: 7 Cyrus Vance Jr. (DELETED) D.C.
 First Name Last Name
New York County District Attorney
 Current Job Title (or other identifying information)
1 Hogan Place
 Current Work Address (or other address where defendant may be served)
New York N.Y. 10013
 County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: 125 Post Ave., Apt. #1-C, N.Y., N.Y 10034

Date(s) of occurrence: September 22, 2018

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

- 1) On September 22, 2018, around 12:20am at the above location I was present with my fiancée, Melinda Owens inside our room in a shared apartment with two other roommates.
- 2) On the above date and approximate time we were having a couple's quarrel where drinking had been involved.
- 3) During our quarrel my fiancée had assaulted me with her nails in my face and arms.
- 4.) I restrained her arms at her side to stop her from scratching my skin as she was drawing blood from my face, arms and chest.
- 5) While restraining her and her trying to get out of my bear hug we fell accidentally and she hit the back of her head on the floor.
- 6) During this time, there was a knock at the door and it was announced that it was the police.
- 7) Once I saw the blood on her hand (rt) I was saying "baby I'm

so sorry, are you ok?"

8) Melinda then got up to go answer the door with me standing behind her.

9) She opened the door with her bloody hand, a male police officer asked Melinda was she ok? She said "yes, I just fell."

10) It is believed that the male police officer is Police Officer, Keith Rodriguez shield #21201. This belief is based upon the fact that he was the only officer to step across the threshold of the apartment and upon the grand jury testimony that he went inside her bedroom, (see, grand jury transcripts pgs. 1-6, marked, Exhibit: A).

11) After Melinda Owens stated "yes, I just fell", P.O. Rodriguez escorted her to her room. With just the two of them alone and within seconds, P.O. Rodriguez came out into the corridor and told the awaiting officers to "cuff em!"

12) Prior to the declaratory statement by P.O. Rodriguez, Police Officer, Lorraine Ramos had told me or suggested, "why don't you step out here." Which I did and was arrested by Police Officer, Lorraine Ramos, shield #20126.

13) At no time during this process did Police Officer, Ramos communicate to or with Melinda Owens about the alleged incident.

14) P.O. Ramos arrested me outside apt. #1-C without incident escorted me downstairs and into her awaiting police cruiser.

15) It is believed that I was being fingerprinted at approximately 1:06am on September 22, 2018, this belief is based upon the fingerprint response sheet, (see, fingerprint response sheet, marked, Exhibit: B).

FELONY ARRAIGNMENT

16) On September 22, 2018 after being processed at the 34th Pct, I was subsequently transferred to central booking in New York County by Police Officer, Ramos.

17) On arraignment of the Felony Complaint, there was an original felony complaint accusing me of inter alia, repeatedly kicking Ms. Owens in the face (paraphrased).

18) My assigned counsel during the felony arraignment was and continues to be Ms. Yvonne Nix, Esq. of the Legal Aid Society, (see, Notice of Appearance, dated 10-25-18, marked Exhibit: C).

19) I appeared before Judge, Joanne Watters in Part AR3 under docket #2018NY038712 on September 22, 2018 (upon the criminal record)

20) It is believed that the Assistant District Attorney- Mark Murphy of the New York County District Attorney's Office was in appearance on the felony complaint arraignment.

This belief is based upon my personal observance of the A.D.A. as a male caucasian with no distinctive accent and upon the fact that A.D.A. Mark Murphy's name appears on the felony complaint.

21) It is further believed that A.D.A. Mark Murphy was in appearance on the felony arraignment based upon the fact that the felony arraignment transcripts is devoid of Judge, J. Watters' directive to A.D.A. Mark Murphy that "I want the signed deposition!"

22) This was stated because I was charged with a misdemeanor assault in the third degree, (see, Felony Complaint¹ marked, Exhibit: D)

23) I had informed Ms. Y. Nix, Esq. that "I didn't kick my baby in her face." I told Ms. Nix, Esq. that I'd like to have a copy of this felony complaint accusing me of "repeatedly kicking Ms. Owens in her face."

24) Ms. Y. Nix stated, "I will get you a copy."

C.P.L. \$180.80 Day

25) On or about September 27, 2018 during a bullpen visit, I asked Ms. Y. Nix, Esq. again for a copy of the felony complaint alleging that I repeatedly kicked Ms. Owens in her face, inter alia.

26) Ms. Y. Nix Esq. response to me was that, "I don't have a copy, this is the only one I have," (referring to her copy in her file folder). She just let me re-read her copy.

27) During our bull-pen visit on my 180.80 day, Ms. Y. Nix, Esq., assured me that she could get me a program if I waived my C.P.L. \$180.80 rights, to which I did waive my right to be released upon my own recognizance, (see, Record of Court Action, dated, 9-27-18 marked, Exhibit: E).

1. The current felony complaint is not the original and therefore is a fabrication. The original has been erased from the record.

28) On 9-22-18 despite my counsel's assurance that she could get me a program if I waived my right; I never got a program and have been detained ever since.

29) On or about 10-11-18 in Pt. 51 on arraignment on the indictment, I was indicted on violating P.L. §§121.12 (strangulation in the 2nd Degree), 120.00(1) (Assault in the 3rd Degree), (see, Indictment #03510/18 marked, Exhibit: F).

30) On or about 10-25-18 during an attorney-client visit at Manhattan Detention Center, Ms. Y. Nix, Esq. showed me a different felony complaint then the one I originally saw and had been asking for.

31) When I asked Ms. Y. Nix, Esq. what happened to the other felony complaint. She responded in an aggressive manner, "What other felony complaint! This is the only felony complaint!"

32) Feeling frustrated, I just looked at her like she was crazy.

33) I then went along with the charade and read this new felony complaint that stated inter alia, "the defendant punch her in the head and kick her..."; instead of the original version of me repeatedly kicking her in the face, (see, new felony complaint, marked, Exhibit: D).

34) As I perused through this new felony complaint, I looked at the signature and realized that the signature is that of my arresting officer, P.O. Lorraine Ramos, shield #20126, (see, Exhibit: D).

35) In the factual basis of the felony complaint, P.O. L. Ramos states under oath, "I am informed by an individual known to the District Attorney's Office, that she observed the defendant punch her in the head and kick her, causing bleeding to her head and substantial pain. I am further informed that she observed the defendant place both hands around her neck, while she was on the ground, and apply pressure to her neck, causing her to lose consciousness, (see, Exhibit: D).

36) After reading the new felony complaint, I stated to Ms. Y. Nix, Esq, that the factual basis is vague as it's not clear who the she is.

37) Ms. Nix told me "that's how they (D.A.) do it". I then question her on who the she was in the statement. She stated, she believes that that's Mary (Melinda's roommate) in the statement; she didn't look sure though.

38) Around January 5, 2019 after motions had been entered, I asked my attorney about that program she had assured me she could get when I waived my 180.80 rights. She told me "to start looking."

39. Filled with relief and feeling optimistic I began networking in my current detention center for a program.

40) Within a week I came across a program called Fortune Society and after screening I was given a reasonable assurance that they would accept me in their program. I then gave them my attorney's contact and email information to Mr. Anthony L. Simpson-Medical CaseManager (email: ASimpson@FortuneSociety.org).

41) After some time of going back-n-forth a connection was made between the two entities and I was given a social worker from the Legal Aid Society to interview me. Her name is Ms. Deborah Pollack.

42) Ms. Deborah Pollack performed 2 interviews with me asking me question about my childhood, my adolescent and adult years.

43) After interviewing me and me naming some referral resources of people for whom I have either worked for, friends family and pastor, she began interviewing them as well.

44) The court and the District Attorney's Office was well aware that I was requesting a program and that a social worker had been assigned for that purpose because when needed extra time for the social worker to conclude their findings, the A.D.A. didn't object to any adjournments, for that purpose.

45) The court had given us to February 14, 2019 to conclude the investigation. This was being handled in Pt. 51, with Judge Michael J. Obus presiding.

46) On the return of February 14, 2019 the social work interviews was concluded and a P&P was done, (P&P upon the record).

47) Judge, M. Obus then asked the A.D.A. that was present if they knew if they were prepared to respond to the P&P report. The A.D.A. present for that day said no, they need time.

48) Judge, M. Obus gave them two weeks and to return on the 28th of February, 2019 for the A.D.A.'s response.

49) Feeling hopeful at this point, I gave all my belongings away (food, clothes, books, & magazines) and I carried the rest

of my belongings in two net-bags to court on or about February 28, 2019 for what I thought was going to be a disposition to the Fortune Society program.

50) This optimism was further fostered by the fact that a court advocate from Fortune Society by the name of Carla Obrien (email:cobrien@fortunesociety.org) had advocated that I get their program, (upon the records 2-14-18 or thereabout).

51) On the above date, the court inquired on what was the People's position on the program for Fortune Society. The People responded in an oral but adamant response, "No! inter alia."

52) With feelings of despair, hurt, loss of hope, frustration with all the obvious deceit, I cried.

53) Feeling like Ms. Y. Nix, Esq., was in concert with the A.D.A. Mark Murphy, I began doing my own limited investigation into trying to obtain the court records.

54) With the assistance of my friend Dan Tamayo, he was able to procure some court records.

Waiver of C.P.L. §30.30 without my knowledge

55) Upon receiving some court records from Dan Tamayo in the mailroom here at O.B.C.C., I signed for my mail in a logbook

56) Upon perusing the record of court action, I noticed that in addition to me waiving my C.P.L. §180.80 rights upon counsel's assurance of a program, I also noticed that counsel waived my C.P.L. §30.30 rights and to this date has failed to inform me

that she waived my statutory speedy trial right,² (see, Exhibit: E).

57) As a direct result of Ms. Y. Nix, Esq. waiving my statutory speedy trial right, she has worked to further deprive me of my liberty because I currently have the time in for at least to be released on my own recognizance; it is futile at this point to bring a claim pursuant to C.P.L. §30.30 et seq. due to being bound to counsel's decision.

Fabricated Felony arraignment transcripts

58) In an effort to be informed about this case, I hired an independent contractor (paralegal) named Gregory Rheubottom to obtain a copy of the transcripts of the felony arraignment, which he obtained on or about 10-16-18, (see, transcripts of felony arraignment marked, Exhibit: F).

59) Upon perusing the transcripts of the felony arraignment, I noticed that there were significant differences and/or omissions from the actual/original record, for instance:

* There was nothing in the record indicating that I repeatedly kicked Melinda Owens in her face (upon the original felony complaint);

* The record is devoid of the directive by Judge, J. Watters to the A.D.A. to have the supporting deposition signed (see, Inv. Amari Williams' notes on talking about a supporting deposition to Melinda Owens marked, Exhibit: G)³

2. During a bull-pen visit I had asked Ms. Yvonne Nix, Esq, if she had waived my 30.30 rights, to which she nodded her head No.

3. Investigator, Amari Williams is an investigator with The Legal Aid Society.

* According to page 5 of the transcript, Y. Nix, Esq. stated, "I would ask the court to set a more reasonable bail and I would point out the injuries alleged here, it appears that after the complaining witness received (emphasis added) medical treatment at the hospital, the injuries alleged are really misdemeanor injuries, Assault 3 injuries."

60) It is believed that the above statements were part of a bail reduction hearing that I had asked counsel to make on my behalf when my friends, James Stephens and Pastor, John Jennings showed up at my oral bail application in Judge, Michael Obus court on or about January 3, 2019 and therefore, couldn't be part of the felony arraignment transcript occurring on 9-22-18.

Fabricated body-cam footage

61) On or about 1-3-19 the People in response to a discovery request and Decision & Order from Judge, Michael J. Obus dated, January 3, 2019 turned over their discovery material, inclusive with that discovery were 2 disc inter alia, (see, Decision & Order, dated Jan. 3, 2019 marked, Exhibit: H).

62) After some time had gone by I had requested the discovery material that was turned over to defense by the prosecution, from my attorney, (911 call, medical records, body-cam footage etc.), in a letter dated March 07, 2019 to be given to me (see, letter dated, 3-07-19 marked, Exhibit: I).

63) During a bull-pen visit on 3-20-19 in TAP B, that was being held in TAP A, I asked counsel, "on the day the People turned over discovery material, there were 2 discs in a plastic bag with other related documents. What was on those 2 discs?"

64) Ms. Y. Nix, Esq. in response to my question, rolled her eyes upwards to the ceiling and after some hesitation stated, (passive tone) "I don't remember."

65) On 10-25-18 the People filed a Certificate of Readiness, yet despite the filing of readiness, the People announced on the record on 3-20-19 that they were not ready for trial (see, Certificate of Readiness marked, Exhibit: J).

66) The case was adjourned to 5-1-19 as the People announced on the record that they were not ready for trial. Despite the unreadiness of the People, counsel consented to the adjournment unnecessarily and without any legal justification (strategy) or otherwise.

67) On 5-1-19 in Pt. TAP B, the People announced again that they were not ready for trial. Still again, counsel without justification consented to an adjournment of the People's case.

68) Feelin betrayed, disgruntled and aggravated that case seems to remain in legal limbo due to counsel's numerous consensual adjournments, I wrote counsel a letter dated, 5-16-19 addressing my concerns (see, letter dated, 5-16-19 marked, Exhibit: K)

69) Until recently as May 5, 19, it was believed that the she in the new felony complaint was Mary (Melinda's roommate) as that belief was based upon counsel's word. On the above date, I called Ms. Y. Nix, Esq., from a prison phone and asked her simply who the she was in the new felony complaint.

70) Counsel represented to me that the she in the new felony complaint was indeed Ms. Melinda Owens, (see, Exhibit: D).

71) Based upon the representation by counsel, Ms. Y. Nix, Esq., that she in the new felony complaint bearing P.O. L. Ramos' signature; plaintiff now states that the new felony complaint is fabricated as at no time did P.O. L. Ramos communicate with Ms. Melinda Owens prior to my arrest nor did she communicate with Melinda Owens soon after my arrest.

72) On 6-11-19 the People announced that they were not ready for trial again and also spoke for my attorney on consent for an adjournment, as counsel acquiesced to the adjournment and acceded to the adjournment by remaining mute on the People's position.

73) It is believed that defense counsel, Ms. Y. Nix, Esq., acquiesced to the adjournment in response to my 5-16-19 letter, where I indicated that counsel should object to any adjournments or just remain mute if the People request an adjournment, (see, Exhibit: J).

74) It appears that counsel for defense disparaged my concerns, communication of my privileged correspondence to the People, which the People spoke up for Ms. Y. Nix, Esq., which could be considered to be acting in concert with one another, (see, transcripts of 6-11-19 upon the record).

75) On the above date, during a bull-pen visit in Pt. TAP B, Ms. Y. Nix, Esq. informed me that she mailed out the body-cam footage on or about 5-24-19.

76) Upon checking with NYCDOC's Law Library Coordinator, Ernest O. Omorogbe, I was informed that he did indeed receive a copy of some discovery related material, for which I was able to review the body-cam footage on about 6-24-19.

77) Upon review of the body-cam footages (multiples cameras) I discovered that the events of 9-22-18 were not correct but appeared to have been altered, fabricated, superimposed, re-digitized, rotoscoped and otherwise an inaccurate account of what actually happened on the night leading up to my arrest.

78) After reviewing the body-cam footages (DVD) I notified counsel, Y. Nix, Esq., of the discrepancies of the body-cam footages via voicemail with a request for a tele-conference.

79) On June 26, 2019 at approximately 1:25pm, I was summoned to the Legal Aid Office here at O.B.C.C., where a Ms. WestMoreland called Ms. Nix, Esq.

80) During the attorney-client communication counsel informed me that the testimony of Melinda Owens during the grand jury doesn't comport with the video-surveillance outside of 125 Post Ave (NYPD surveillance camera).

81) During the grand jury testimony of Ms. Melinda Owens, Ms. Owens testified that plaintiff inter alia that started punching her with a closed fist in her face, (see, pages 11-12 of Exhibit: A).

82) The video-surveillance clearly shows that no such account of plaintiff punching Ms. Owens in her face, nor was there other guys out there showing me questioning "who she was sleeping with and is it this one or that one..." (pg.12 of Exhibit:A).

83) It is believed that the prosecution's witness, Melinda Owens perjured herself during the grand jury on a material matter, that was known to be false this belief is based upon the aforesaid.

84) It is believed that the A.D.A., Mark Murphy and assigns knew that the grand jury testimony of Melinda Owens would be perjured testimony and suborned perjured testimony, instructed, demanded, suggested or otherwise induced Melinda Owens to committ perjury this belief is based upon the preliminary investigation of the prosecution's case prior to the grand jury proceeding.

CAUSE OF ACTIONS

For plaintiff's cause of action(s) against Defendants N.Y.C. Police Officer, Lorraine Ramos, N.Y.C. Police Officer, Keith Rodriquez, A.D.A., Mark Murphy and assigns, Court Reporter, Melissa Jiminez and Yvonne Nix, Esq plaintiff states:

1) By this reference, Plaintiff reiterates, realleges and incorporates each and every allegation and averment contained in paragraphs 1 through 84 of this complaint as though fully set forth herein.

2) Defendants N.Y.C. Police Officer, Lorraine Ramos, N.Y.C. Police Officer, Keith Rodriguez, A.D.A., Mark Murphy and assigns, Court Reporter-Melissa Jiminez-De Armas, and Yvonne Nix, Esq., acting in their individual capacities and under color of law, having conspired together and with others reached a mutual understanding and acted to undertake a course of conduct

that violated plaintiff's civil rights and my First Amendment (access to courts), Sixth Amendment (assistance of counsel) and Fourteenth Amendment (due process) of the United States Constitution and plaintiff's state law claims under the N.Y. Judiciary Law §487(1); N.Y. C.P.L. §§30.30 et seq.; 180.80

FIRST CAUSE OF ACTION

CONSPIRATOR-N.Y.C. POLICE OFFICER, LORRAINE RAMOS

Fabricated evidence (i.e., felony complaint) by knowing that she never spoke to or with the alleged complainant, Melinda Owens either prior to or after the arrest but filed or caused to have filed the fabricated felony complaint that was sworn to under oath in a criminal proceeding, which ultimately that false felony complaint was used in the grand jury where plaintiff was indicted upon the false information and plaintiff deprived of my liberty based upon fabricated evidence as plaintiff has a right under due process not to be deprived of my liberty based upon fabricated evidence.

SECOND CAUSE OF ACTION

CONSPIRATOR-N.Y.C. POLICE OFFICER, KEITH RODRIGUEZ

Failed to intervene when having an affirmative duty to act, when he knew or reasonably should've known that P.O. L. Ramos was asserting in her felony complaint that she personally was informed by the alleged complainant, Melinda Owens of the factual allegations, and that he knew that, that assertion was false and he failed to prevent that falsity from being asserted, when he knew or reasonably should've known that the felony complaint would be used in the future

proceeding resulting in a deprivation of plaintiff's liberty as plaintiff has a right not to be deprived of my liberty based upon fabricated evidence.

THIRD CAUSE OF ACTION

CO-CONSPIRATOR-ASSISTANT DISTRICT ATTORNEY, MARK MURPHY

A.D.A., Mark Murphy knew or reasonably should've known that the felony complaint subscribed under oath by P.O. L. Ramos was false, used the false felony complaint in a criminal proceeding during his investigative role, which he reasonably foresaw that it would be later used as evidence in a grand jury proceeding, which resulted in plaintiff being indicted, resulting in a deprivation of plaintiff's liberty where plaintiff has a right not to be deprived of my liberty based upon false evidence and plaintiff continues to be restrained in my liberty based upon the indictment.

FOURTH CAUSE OF ACTION

CO-CONSPIRATOR-COURT REPORTER MELISSA JIMINEZ DE-ARMAS

Melissa Jiminez-DeArmas intentionally and deliberately fabricated the felony arraignment transcripts by omitting inter alia, portions of the original record that had stated, "I repeatedly kick Ms. Owens in her face..." in an attempt to cover-up any reference to the original felony complaint and inserting reference to the new felony complaint in order to strengthen the prosecution's theory of an otherwise weak case thereby depriving plaintiff of a fair trial where it is foreseeable that this new

theory of the prosecution's case contained in the fabricated felony complaint will be advanced at future proceedings (i.e., pre-trial hearings, suppression and Huntley) and trial as plaintiff has also a liberty interest not to be deprived of my liberty based upon fabricated evidence.

FIFTH CAUSE OF ACTION

CO-CONSPIRATOR- DISTRICT ATTORNEY, MARK MURPHY

A.D.A., Mark Murphy fabricated or cause to have fabricated the police worn body-cam footages of the N.Y.C. Police Officers, which was forwarded to plaintiff by co-conspirator-Yvonne Nix, Esq., by conducting the fabrication of the body-cam footages himself or directing a third-party to fabricate, alter, superimpose, rotoscope or re-digitize by whatever method, the actual and original account of events of 9-22-18 leading up to plaintiff's arrest and filed in the plaintiff's criminal case or with the intention of filing the fabricated body-cam footages in future proceedings (i.e., suppression hearings and trial) and that the filing or future filing of the fabricated body-cam footages deprives plaintiff of my right not to be deprived of my liberty based upon false evidence and the right to a fair trial where it is reasonably foreseeable that such evidence would be used at future proceedings and taint the very proceedings meant to provide plaintiff with procedural due process.

SIXTH CAUSE OF ACTION

CO-CONSPIRATOR-YVONNE NIX, ESQ

FRAUDULENT CONCEALMENT

Due to the attorney-client relationship, co-conspirator had a legal duty to inform me that she waived my C.P.L. §30.30. (1),(a); (2),(a) rights, she failed to inform me of this relevant and material fact and as a result, plaintiff has been injured in that I've been precluded from raising this defensive claim of my statutory speedy trial right, which further worked to deny plaintiff access to courts on this issue as I'm bound by her decision which further worked to restrain me in my liberty as I would've elected to exert my statutory speedy trial claim. Failure of co-conspirator-Yvonne Nix, Esq. to inform me of her waiver ultimately damaged the trust in the attorney-client relationship in violation of my First and Sixth Amendment of the United States Constitution

DECEIT

Co-Conspirator-Yvonne Nix, Esq. deceived plaintiff into waiving my statutory C.P.L. §180.80 right to be released upon my own recognizance based upon an undisposed felony complaint by assuring plaintiff that she could get me a program; it never happened. Based upon the attorney-client relationship plaintiff relied upon her assurance to plaintiff's detriment as plaintiff is still being restrained of my liberty which plaintiff would have elected to have been released if it wasn't for the deceit of assurance from co-conspirator-Yvonne Nix, Esq.

COLLUSION

Co-Conspirator-Yvonne Nix, Esq entered into an agreement whether explicitly or implicitly with certain state actors (to wit; A.D.A., Mark Murphy) to deprive plaintiff of my civil rights and my First, Sixth and Fourteenth Amendment of the United States Constitution and state law claims pursuant to N.Y. C.P.L. §§30.30 et seq; 180.80 and that it was the intention to so participate in the furtherance of a plan or purpose to work with Co-Conspirator-A.D.A., Mark Murphy and others to achieve an unlawful purpose thereby causing legal and emotional injuries, economic loss and deprivation of plaintiff's liberty to wit:

- a) deceiving plaintiff into waiving my statutory right to be released upon my own recognizance pursuant to C.P.L. §180.80;
- b) waiving my statutory speedy trial pursuant to C.P.L. §30.30 (1),(a);(2),(a) without my knowledge thereby precluding plaintiff from raising a legal claim, which worked to deny plaintiff's right to access to courts for redress of grievance;
- c) consented to unlimited adjournments when the prosecution was not ready for trial, which worked to allow the prosecution to manufacture false evidence and/or do damage control in hopes of strengthening the prosecution's weak case for use in the criminal case;
- d) consenting to unlimited adjournments when the prosecution when the prosecution have been stating that they were not ready for trial, causing plaintiff to languish in jail, using the adjournments as a means to garner a plea bargain from this plaintiff (e.g., time served on the misdemeanor assault in the third degree) as plaintiff has approximately 9 mos. and 25 days from the next court date of July 17, 2019

Based upon the aforesaid, co-conspirator-Yvonne Nix, Esq violated N.Y. Judiciary Law §487(1) which caused a denial of plaintiff's right to access to courts and procedural due process and to have the assistance of council for my defense, in violation of the First, Sixth and Fourteenth Amendment of the United States Constitution.

SEVENTH CAUSE OF ACTION

INEFFECTIVE ASSISTANCE OF COUNSEL

42 U.S.C. § 1983

DECEIT

Co-Conspirator-Yvonne Nix's Esq. performance fell below the federal standard of effective assistance of counsel and that but for counsel's errors, the result of the proceedings thus far would have been different; those errors consist of:

Co-Conspirator-Yvonne Nix, Esq. deceived this plaintiff into waiving my statutory C.P.L. §180.80 right to be released upon my own recognizance based upon an undisposed felony complaint by assuring this plaintiff that she could get me a program; it never happened.

Based upon the attorney-client relationship, plaintiff relied upon her assurance to plaintiff's detriment as plaintiff is still being restrained of my liberty some nine months later which plaintiff would've elected to have been released, if it wasn't for the deceit of co-conspirator-Yvonne Nix's Esq. assurance.

FRAUDULENT CONCEALMENT

Due to the attorney-client relationship, co-conspirator had a legal duty to inform me that she waived my C.P.L. §30.30 et seq. rights and she failed to inform me of this relevant and material fact and as a proximate cause of co-conspirator-Yvonne Nix's fraudulent concealment, plaintiff has been injured in that I've been precluded from raising this defensive claim of my statutory speedy trial right, which further worked to deny plaintiff "access to courts" on this issue as I'm bound by her decision which further worked to restrain me in my liberty as I would've elected to exert my statutory speedy trial claim pursuant to C.P.L. §30.30 (2),(a) to be released upon my own recognizance as this plaintiff will have 9 months and 25 days on July 17, 2019 which is my next court date.

Failure of co-conspirator-Yvonne Nix, Esq. to inform me of her waiver ultimately damaged the trust in the attorney-client relationship in violation of my First and Sixth Amendment of the United States Constitution.

DISPARAGED PRIVILEGED COMMUNICATION

As a result of co-conspirator-Yvonne Nix's Esq. repeated consensual adjournments based upon the prosecution's unreadiness for trial, this plaintiff communicated my concerns in a letter about objecting or remaining mute on adjournment issues, when the prosecution vouched for defense's position on adjournment in summary stated that defense agreed to the adjournment as

co-conspirator-Yvonne Nix, Esq. acquiesced to the adjournment contrary to plaintiff's objection in writing.

Based upon the aforesaid, it can't be said that plaintiff has and/or is currently being provided with the level of effective assistance of counsel guaranteed to plaintiff by the Constitution but from all reasonable inferences co-conspirator-Yvonne Nix, Esq., has and/or is acting as an agent for the state in violation of plaintiff's Sixth Amendment of the United States Constitution.

EIGHTH CAUSE OF ACTION

1st AMENDMENT VIOLATION

Co-Conspirator-Yvonn Nix, Esq., deprived plaintiff's right to access to courts by fraudulently concealing the fact that she waived plaintiff's statutory right to my speedy trial claim pursuant to C.P.L. §30.30 et seq., thereby precluding plaintiff from raising that claim in the nisi prius court and from any further appellate review.

7-13-19

D'Queen Collins

(see attached)

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

As a result of defendants' actions plaintiff has been injured as follows: loss of enjoyment of life, therapeutic companion animals (cat & blue nose pitt); mental anguish, loss of sleep, anxiety, depression, embarrassment, pain & suffering; legal or civil injury, paranoia .

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

Declaratory; (see attached)

Injunctive; (see attached)

Punitive; (see attached)

Treble; and (see attached)

Compensatory (see attached)

RELIEF

Compensatory:

Loss of enjoyment and/or quality of life; mental anguish, loss of sleep, anxiety, depression, humiliation, loss of therapeutic companion animals (1 grey female cat, 1 yr. old, XXL American Pitbull terrier, color of grey aka "blue nose" at approximately 19" at the withers of the Razor Edge Bloodline. Registered under United Kennel Club (UKC), Halo, my baby was approx 1½ years old); loss of 1 bdrm apartment with clothes, Nike sneakers 2 pair, 3/4 length shearling coat, leather trench coat, brown leather Pele' Coat with fur around the hood, black Calvin Klein Bobber jacket with imitation Chinchilla fur, 1 wireless HP Desktop Computer with 5 in 1 HP printer, 19" monitor & keyboard, 32" Sony flatscreen t.v., 1 white LG floor model remote control air conditioner and queen size bed

Total: \$25,000-\$30,000

Treble:

For violating Judiciary Law §487(1)

Total: \$75,000-\$90,000

Punitive:

Based upon aforesaid defendant-Yvonne Nix, intentionally violaed plaintiff's 1st, 6th and 14th Amendment of U.S. Constitution; and Judiciary Law §487(1)

Total: \$500,000

Total amount: \$620,000

7-13-19

D'Ann Collins

INJUNCTION

GROUND'S FOR RELIEF:

It is essential that the court issue the requested preliminary injunction to prevent immediate and irreparable injury because:

1). As established by plaintiff's certified complaint unless restrained by this Court defendants, D.A., Cyrus Vance Jr., A.D.A., Mark Murphy and assigns will perform the acts sought to be enjoined to wit:

- pre-trial hearings (Dunaway and Huntley);
- trial;
- plea bargaining (time served);
- and sentencing.

2). As established by plaintiff's declarative complaint if the defendants D.A., Cyrus Vance Jr., A.D.A., Mark Murphy and assigns does perform the acts sought to be enjoined, the plaintiff will suffer immediate and irreparable harm in that on July 17, 2019 and thereafter the criminal case under indictment # 03510-2018 and/or docket # 2018NY038712 is slated to begin pre-trial hearings in which the fabricated evidence and the denial of the assistance of counsel has already occurred and upon belief will continue to occur throughout the pre-trial hearing on probable cause for plaintiff's arrest and at trial with a continuing deprivation of plaintiff's Constitutional rights under the Sixth and Fourteenth Amendment of the United

States Constitution, and a denial of plaintiff's speedy trial rights under N.Y. C.P.L. §30.30(1),(a); (2),(a) have already been denied through defendant-Yvonne Nix, Esq.

(a) upon the state court's finding of probable cause it will be based upon fabricated evidence (felony complaint, police worn body-cam footage(s) and any other unknown fabricated evidence) with defendant-Yvonne Nix, Esq. acting in concert with the state actors; trial will begin thereafter;

(b) The D.A.'s Office through it's A.D.A.s have consistently offered six years with five years post-release supervision as a plea offer and will significantly increase upon any finding of guilt, which would be inevitable if not enjoined and restrained.

3) As established by plaintiff's declarative complaint it is reasonable to infer that a conspiracy to wrongly convict plaintiff of a crime or crimes by the defendants and others that may sign on in the future, are afoot and as a result, plaintiff has no adequate remedy at law; injunctive relief is the only remedy available for plaintiff's situation.

4) As shown by the certified complaint the issuance of a preliminary injunction of a preliminary injunction will not cause inconvenience or loss to defendants in that:

Defendant's fabricated evidence, records and denied plaintiff's right to a fair trial and the effective assistance of counsel and should not now be allowed to complain about actions they undertook.

RELIEF
INJUNCTION

Plaintiff moves this court for a preliminary injunction pending the final judgement of this action.

The preliminary injunction will enjoin the defendants: District Attorney of New York County, Cynus Vance Jr.; New York City Police Department and/or the 34th Precinct; the defendants, court officers, employees, N.Y.C. Police Officers, Yvonne Nix, Esq. and all persons, successors acting in concert and in participation with the defendants from:

- 1). Prosecuting the criminal case of D'Juan E. Collins or by whatever name plaintiff may go by under Indictment # 03510/2018 and/or Docket # 2018NY038712;
- 2) Violating plaintiff's United States Constitutional rights under the First, Sixth and Fourteenth Amendment and plaintiff's state law claims and to perform their official duties in a manner consistent with the United States Constitution and laws of the State of New York in connection with the criminal case currently pending against D JUAN COLLINS and/or Djuan Collins under the above indictment and/or docket number;
- 3) Illegally arresting, harassing, retaliating, stalking and manufacturing evidence against plaintiff for exerting my Constitutional rights.

The defendant's violated the public's trust and undermined the integrity of the judicial system and violated their oath of office. It is always in the public's interest that public servants and court officers obey the Law of the Land the Constitution of the United States.

This request for preliminary injunction is based on all the averments, allegations, exhibits, reasonable inferences, and criminal state record and upon any discoverable evidence upon any hearing on this request.

DECLARATORY

As is more fully shown below, this dispute concerns whether plaintiff's First, Sixth and Fourteenth Amendment of the United States Constitution has been violated; and state law claims pursuant to N.Y. C.P.L. §30.30 et seq; and Judiciary Law § 487 have been violated which this court has subject matter jurisdiction over this action pursuant to 42 U.S.C. § 1983 seeking equitable relief.

In order to resolve this controversy, plaintiff requests that this Court declare the rights of plaintiff that has been violated as aforesaid in plaintiff's certified complaint and that any conviction based upon the criminal case under Indictment number 03510/2018 and docket number 2018NY038712 would be invalid as a matter of law.

DECLARATORY RELIEF REQUESTED

As aforesaid stated in plaintiff's certified complaint and set forth more fully below, there is a criminal case pending in the nisi prius court in People v. Collins, Indictment #03510/2018 where there exists sufficient facts for this court or will present sufficient facts upon a granting of a hearing, for this Court to declare the rights and remedies of the parties.

Plaintiff was arrested by the N.Y.C. Police Department on 9-22-19, arraigned on a felony complaint that was later fabricated by defendant-P.O. Lorraine Ramos and knowingly used in the criminal proceeding by defendant-A.D.A., Mark Murphy, where the information contained in the fabricated felony complaint was used in the grand jury where perjury testimony by witnesses was allowed without correction, where plaintiff was later indicted based upon the perjured testimony.

Plaintiff continues to be restrained in my liberty based upon the foregoing and it is the intention of the defendants-D.A. Cyrus Vance Jr., A.D.A., Mark Murphy and assigns to continue prosecuting the above mentioned indictment in hopes of obtaining a conviction albeit an invalid one.

For the reasons stated above and as aforesaid in plaintiff's certified complaint, plaintiff demands that:

v.

- A. Declare that the felony complaint by defendant-Police Officer, Lorraine Ramos, shield #20126 and used in the criminal proceeding under indictment #03510/2018 is fabricated as she never spoke with the alleged victim, Melinda Owens;
- B. Declare that the defendant-Police Officer, Lorraine Ramos, shield #20126 caused a deprivation of plaintiff's liberty based upon the fabricated felony complaint;
- C. Declare that the continued prosecution of indictment #03510/2018 based upon the fabricated felony complaint violates plaintiff's procedural due process to a fair trial;
- D. Declare that the police body worn body-cam footage that was forwarded to plaintiff by defendant-Yvonne Nix, Esq. is fabricated as not an actual account of the events of that night leading up to plaintiff's arrest;
- E. Declare that any fabricated police body worn body-cam footage can't be used in the criminal proceeding under indictment #03510/2018;
- F. Declare that the A.D.A., Mark Murphy and assigns knowingly used a fabricated felony complaint for use in the criminal proceeding under indictment #03510/2018
- G. Declare that A.D.A., Mark Murphy and/or assigns knowingly fabricated the body-cam footage or cause the same to be fabricated

with the intention of introducing the fabricated body-cam footage in the criminal proceedings under indictment #03510/2018;

H. Declare that the felony arraignment transcripts by defendant-Melissa Jiminez-DeArmas have been knowingly fabricated to cover-up the existence of the former felony complaint; "repeatedly kicked Melinda Owens in her face..."

I. Declare that defendant-Police Officer, Keith Rodriguez failed to intervene to prevent defendant-Police Officer, Lorraine Ramos from fabricating the felony complaint, when he knew he alone spoke with the alleged victim Melinda Owens;

6th AMENDMENT VIOLATIONS

A. Declare that defendant-Yvonne Nix, Esq. colluded with state actor A.D.A., Mark Murphy and assigns to deprive plaintiff's right to effective assistance of counsel by the following:

- fraudulently concealing the fact that defendant waived plaintiff's statutory right to a speedy trial pursuant to C.P.L. §30.30 et seq without plaintiff's knowledge;
- Deceiving plaintiff into waiving plaintiff's C.P.L. §180.80 right to be released own plaintiff's own recognizance based upon an assurance of defendant that she could get plaintiff a program that never occurred;
- consented to numerous adjournments when the prosecution was not ready for trial allowing prosecution to cover-up

and manufacture evidence in order to strengthen the theory of the prosecution's case based upon the fabricated felony complaint;

- consented to numerous adjournments when the prosecution have been stating that they were not ready for trial, causing plaintiff to languish in jail; using the numerous adjournments as a means to garner a plea bargain (e.g., time served upon the misdemeanor assault in the third degree);

- denied plaintiff's right to access to court by waiving plaintiff's right to a speedy trial claim pursuant to C.P.L. §30.30 (1),(a); (2),(a) without plaintiff's knowledge thereby binding plaintiff to defendant-Yvonne Nix's, Esq decision which precludes plaintiff from raising a meritorial defense as plaintiff will have approximately 9 months and 25 days on July 17, 2019

- defendant-Yvonne Nix, Esq. disparaged privileged communications to the Office of the New York County District Attorney, Cyrus Vance Jr. via A.D.A., Mark Murphy and assigns concerning my objections to the numerous adjournments that defendant-Yvonne Nix, Esq. consented to upon the prosecution's un-readiness for trial in plaintiff's letter dated, 5-16-19 where an A.D.A. vouched for defendant-Yvonne Nix's Esq position for the adjournment while defendant-Yvonne Nix remained mute; which was what this plaintiff suggested to do; to remain mute but without the vouching;

B. Declare that plaintiff is not bound by defendant-Yvonne Nix's Esq. decision to waive plaintiff's C.P.L. §30.30 et seq right based upon the fraudulent concealment ^{by D.C.} of defendant;

C. Declare that for purposes of plaintiff's speedy trial rights pursuant to C.P.L. §30.30 et seq that the includable time periods stems back to 9-27-18 (nunc pro tunc) to present, with the exception of any excludable periods; is upon the prosecution;

1st AMENDMENT VIOLATION

A. Declare that defendant-Yvonne Nix, Esq. deprived plaintiff's right to access to courts by fraudulently concealing the fact that she waived plaintiff's statutory right to my speedy trial claim pursuant to C.P.L. §30.30 et seq thereby precluding plaintiff from raising that claim in court;

VIOLATION OF JUDICIARY LAW §487 (1)

A. Declare that defendant-Yvonne Nix, Esq. violated Judiciary Law §487 (1) by fraudulent concealment of defendant's waiver of plaintiff's statutory right pursuant to C.P.L. §30.30 et seq; deceiving plaintiff into waiving plaintiff's C.P.L. §180.80 right to be released upon my own recognizance based upon defendant's assurance that she could get me a program, which has never happened and as aforesaid colluding with A.D.A., Mark Murphy and assigns and others.

EXHIBIT: A

1 SUPREME COURT OF THE STATE OF NEW YORK
2 GRAND JURY OF THE COUNTY OF NEW YORK
3 -----

4 PEOPLE OF THE STATE OF NEW YORK
5

6 VS
7

8 DJUAN COLLINS
9 -----

10 NEW YORK, NEW YORK

11 SEPTEMBER 27, 2018
12

13 BEFORE:

14 A QUORUM OF THE FIFTH SEP/OCT
15 2018 GRAND JURY
16

17
18 PRESENTED BY:

19 MARK MURPHY, ESQ.,

20 ASSISTANT DISTRICT ATTORNEY
21

22
23 STEPHANIE GONZALEZ

24 JEANNIE PARISI

25 GRAND JURY REPORTERS

SG

Rodriguez

1 K E I T H R O D R I G U E Z,
2 called as a witness, having been first
3 duly sworn, responded to the oath and
4 testified as follows:

5 THE WITNESS: Yes.

6 BY MR. MURPHY:

7 Q. Good morning, Officer. Could you
8 please just state your name, shield and command.

9 A. Good morning. My name's Officer
10 Rodriguez. I work at the 34th Precinct and my
11 shield number is 21201.

12 Q. Officer, I want to direct your
13 attention to September 22, 2018 at
14 approximately 12:45 a.m., did you respond to a
15 911 call reporting an incident at 125 Post
16 Avenue here in Manhattan?

17 A. Yes.

18 Q. And did the -- did you receive a
19 radio run on your um --

20 A. Tablet.

21 Q. On your tablet that told you what
22 floor to go to at that location?

23 A. Yes.

24 Q. What floor did it tell you to go
25 to?

SG

Rodriguez

1 A. It said to go to the third floor.

2 Q. Did you make it to the third floor
3 of 125 Post Avenue?

4 A. Yes.

5 Q. Is this a residential building?

6 A. Yes.

7 Q. When you made it there, how many
8 doors were on the third floor?

9 A. Two.

10 Q. And could you hear anything from
11 either of those doors?

12 A. Yes.

13 Q. And which door was that?

14 A. It was apartment 1 Charlie I
15 believe.

16 Q. So, what could you hear inside of
17 that apartment?

18 A. There was a man and a woman arguing
19 with each other, yelling.

20 Q. Did you knock on that door to
21 apartment 1C?

22 A. Yes.

23 Q. Was the door opened up right away?

24 A. No.

25 Q. Did you announce that you were

SG

Rodriguez

1 police?

2 A. Yes.

3 Q. And um, what did they tell you from
4 the inside?

5 A. The female Melinda Owens told us
6 that everything was okay, she was all right
7 before being interrupted by a male Djuan
8 Collins saying we're okay. He said in
9 substance, get the caller. Get the person who
10 made the complaint. That person will come.
11 That person will open the door because I know
12 how that works.

13 Q. Was the door immediately opened?

14 A. No, after arguing back and forth
15 for a minute they opened the door.

16 Q. When the door was opened um, did
17 you interview a woman who you came to know as
18 Melinda Owens?

19 A. Yes.

20 Q. Can you just describe for us what
21 she looked like when you saw her?

22 A. When I first saw her she had her
23 face turned and refused to show me her entire
24 face until I asked her to step out. [That's
25 when I saw a gash to the side of her head] with

SG

Rodriguez

1 blood.

2 Q. Did you go inside of that apartment
3 where she said it was her bedroom?

4 A. Yes.

5 Q. Did you see blood on the floor of
6 that bedroom?

7 A. Yes.

8 Q. And did you also participate in the
9 arrest of the man who was there Djuan Collins?

10 A. Yes.

11 MR. MURPHY: That's all the
12 questions that I have for this officer.
13 I will hear more testimony regarding this
14 case. Do any of the Grand Jurors have
15 any questions? Seeing no hands, you are
16 excused.

17 (WITNESS EXCUSED)
18
19
20
21
22
23
24
25

SG

Owens

1 MR. MURPHY: I will have you stand
2 right here first and I want you to look
3 at the back of the room. He will swear
4 you in first to make sure you tell him
5 the truth.

6 M E L I N D A O W E N S ,
7 called as a witness, having been first
8 duly sworn, responded to the oath and
9 testified as follows:

10 THE WITNESS: I do.

11 BY MR. MURPHY:

12 Q. Good afternoon. Could you please
13 just state your name in a loud and clear voice
14 for everyone?

15 A. Melinda Owens.

16 Q. Ms. Owens, where do you currently
17 live?

18 A. I live at 125 Post Avenue.

19 Q. What apartment do you live at?

20 A. 1C.

21 Q. What floor is apartment 1C?

22 A. Three, the third floor.

23 Q. Ms. Owens, do you know someone
24 named Dijuan Collins?

25 A. Yes.

JP

Owens

1 Q. Generally how do you know him?

2 A. He has been my boyfriend for four
3 years.

4 Q. And again, generally how would you
5 say things are between you and Mr. Collins?

6 A. Rocky.

7 Q. Now, I want you to focus on
8 September 21st, were you at your apartment that
9 day?

10 A. Yes.

11 Q. Can you just briefly describe for
12 us what happened late in the day on
13 September 21st when you were around your
14 apartment?

15 A. I was with my children. They left
16 like maybe 10, 20 minutes before he showed up.
17 And there were some guys just sitting around
18 hanging out like they always do. And he
19 assumed I was messing around with one of the
20 guys. He hit the guy, knocked him down. And
21 he came straight to me.

22 Q. Now, when you say he showed up, are
23 you referring to Dijuan Collins?

24 A. Yes.

25 Q. Were you hanging out in front of

JP

Owens

1 your apartment building at this time?

2 A. Yes, I was sitting in the front.

3 Q. This was late in the afternoon?

4 A. In the evening.

5 Q. Now, when Mr. Collins came up what
6 was he saying to you generally?

7 A. You bitch, you hoe, just calling me
8 all types of names. And saying who was I
9 sleeping with, and is it this one or that one.
10 And it was just a mess. It was a mess.

11 Q. And what happened out in front of
12 your apartment when he was yelling at you?

13 A. He hit the guy first and then after
14 he knocked him down he came towards me and
15 started punching me.

16 Q. Was that with a closed fist?

17 A. Yes.

18 Q. Was he able to make any contact
19 with you?

20 A. Yeah.

21 Q. And what part of you was he
22 hitting?

23 A. My face, which I was trying to
24 cover but that did not help.

25 Q. And after he hit you in the face

JP

Owens

1 with his fist, what happened after that?

2 A. After that he told me to take my
3 ass upstairs because he was going to hurt me.
4 And I was trying to talk to him on the way
5 upstairs but that did not work.

6 Q. And what happened when you got into
7 your apartment?

8 A. He started to punch me, and he
9 started kicking me and choking me. He pulled
10 my hair, he kicked me in my face, my head. He
11 broke my rib. I really -- I was in and out of
12 consciousness because he was hitting me so
13 hard.

14 Q. Now, when you first got into your
15 apartment, do you guys go to your bedroom?

16 A. Yeah, I mean I have roommates I eat
17 with so he pushed me to make sure I got into
18 the room quick enough.

19 Q. And when you guys are in the
20 bedroom, what is the first thing that he does
21 physically to you when you are in the bedroom?

22 A. He pushed me on the bed.

23 Q. When you are on the bed what does
24 he do after that?

25 A. Punched me in my face and then

JP

Owens

1 started to choke me.

2 Q. Was he was choking you with his
3 hands?

4 A. Yes, I was trying to fight away
5 from him. And when I got away from him a
6 little bit, he started to kick me. And it
7 knocked me down and just everything went crazy
8 from there.

9 Q. And when he kicked you did he make
10 contact with your head?

11 A. He made contact with my head, with
12 my torso, with my backside, my arms. Pretty
13 much everything above my legs.

14 Q. And as he was kicking you was he
15 also choking you at that time?

16 A. He was punching me and choking me.

17 Q. Okay, now as a result of him
18 kicking you did you start bleeding from your
19 head?

20 A. Yes.

21 Q. And was he wearing his sneakers
22 when he kicked you?

23 A. Yes..

24 Q. As a result of all of this, was
25 there blood in your bedroom?

JP

Owens

1 A. Yes.

2 Q. And as this is happening, are you
3 yelling for help and yelling at Mr. Collins?

4 A. Yes.

5 Q. Eventually do police respond to
6 your apartment?

7 A. Yes.

8 Q. And do they talk to Mr. Collins in
9 the hallway when they show up?

10 A. They actually try to speak to me
11 first but he grabbed me and pulled me away. He
12 did not want to tell anybody anything. He was
13 trying to hide me and hide the fact that I was
14 bleeding. So he did that. They pulled him out
15 into the hallway and once they saw how I looked
16 they immediately arrested him.

17 Q. And when they took you into the
18 apartment, did you also speak to them in that
19 same bedroom where this happened?

20 A. Yes.

21 Q. Did they call EMS to treat you?

22 A. Yes.

23 Q. Did you take an ambulance to the
24 hospital directly from this around 1:00 a.m.?

25 A. Yes.

JP

Owens

1 Q. And in that ambulance did they give
2 you a neck brace?

3 A. Yes.

4 Q. And were you feeling pain to that
5 broken rib?

6 A. Not at the moment. My body was
7 basically in shock of everything I just
8 experienced and I was so scared.

9 Q. When did you ever start to feel the
10 pain to the broken rib?

11 A. Once they started moving me around
12 to see what was wrong with me where the blood
13 was coming from like was I hurt any where, they
14 saw the bruising. They were just trying to
15 make sure I had no broken bones. But then I
16 was like wow, I'm really feeling this. And
17 that is when they sent me to get X-rays.

18 Q. Tell me about the pain to your rib
19 that you have been experiencing since then?

20 A. It is horrific. I can barely
21 sleep. I can barely breathe. It is just
22 horrible.

23 Q. And also as a result of this was
24 your neck sore from him choking you?

25 A. Yes.

JP

Owens

1 Q. And can you tell me just briefly
2 about how you felt that soreness as a result?

3 A. It is hard to swallow. It is hard
4 to chew. Even when I drink water it hurts
5 because it is still sore.

6 Q. And did you also have significant
7 bruising to your backside as a result of him
8 kicking you?

9 A. Yes.

10 Q. And were you in the hospital as a
11 result of this from Saturday around 1:00 a.m.
12 until Monday September 24th getting treatment?

13 A. Yes.

14 Q. I'm just going to show you a
15 picture what is marked as Grand Jury Exhibit 1
16 for identification; do you recognize that
17 picture?

18 A. Yes.

19 Q. What area are we looking at in this
20 picture?

21 A. That is right when you open the
22 door, right next to my closet.

23 Q. And does this fairly and accurately
24 show what your apartment looked like that night
25 after Mr. Collins did this to you?

JP

Owens

1 A. Yes.

2 MR. MURPHY: And I will accept
3 Grand Jury Exhibit 1 into evidence.

4 Q. In the middle left portion, is that
5 blood from your head?

6 A. Yes.

7 Q. Okay, I will publish this later to
8 the grand jury. Did I ask you to meet me
9 yesterday in my office?

10 A. Yes.

11 Q. Did we go to my photo unit to get
12 pictures taken?

13 A. Yes.

14 Q. So I will show you Grand Jury
15 Exhibit 2A through 2E. Just do me a favor, and
16 just look at each of these and tell me do these
17 pictures fairly and accurately depict what your
18 body looked like yesterday when we took those
19 photos?

20 A. Yes.

21 MR. MURPHY: So I will offer and
22 accept these photos into evidence.

23 Q. Looking at grand jury Exhibit 2A,
24 what are we looking at in that photo?

25 A. Him grabbing me, basically that is

JP

Owens

1 the marks he left on me.

2 Q. On your arm?

3 A. Yes, on my right arm.

4 Q. And Grand Jury Exhibit 2B, is this
5 the same thing just on your left arm?

6 A. That is his fingers on my left arm.

7 Q. Is that from him grabbing you and

8 --
9 A. From him holding me down.

10 Q. I'm showing you 2C; is this the rib
11 that was broken?

12 A. Yes.

13 Q. Is that the bruising from it?

14 A. Yes.

15 Q. And I'm showing you 2D; is this
16 just a zoomed in version of that picture?

17 A. Yes.

18 Q. And I'm showing you 2E; is this the
19 bruising on your backside?

20 A. Yes.

21 Q. Is that from him kicking you?

22 A. Yes; he tried to kick me down.

23 MR. MURPHY: I have no further
24 questions for this witness. Do any of
25 the grand jurors? Seeing no hands. You

JP

1 are excused.

2 THE WITNESS: Thank you.

3 (WITNESS EXCUSED)

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JP

1 MR. MURPHY: So I will publish the
2 pictures in evidence. This is grand jury
3 Exhibit 1. Is that somewhat better? I
4 am also be able to pass this around if
5 this is not working: 2A, 2B, 2C, 2D and
6 2E. So again, I'm
7 continuing this case. I will ask that we
8 keep the same code word, Post Avenue.
9 Thank you.

JP

Gonzalez

1 E L A Y N E

G O N Z A L E Z,

2 called as a witness, having been first
3 duly sworn, responded to the oath and
4 testified as follows:

5 THE WITNESS: I swear.

6 THE FOREPERSON: Have a seat.

7 BY MR. MURPHY:

8 Q. Good afternoon. Could you please
9 just state your name and in a loud, clear
10 voice?

11 A. Elayne Gonzalez.

12 Q. And Ms. Gonzalez, where do you
13 live?

14 A. 123 Post Avenue, New York.

15 Q. And is 123 Post Avenue directly
16 next door to 125 Post Avenue?

17 A. Yes.

18 Q. And what floor do you live on?

19 A. Third floor.

20 Q. And does your bedroom share a wall
21 with the neighboring 125 Post Avenue?

22 A. Yes.

23 Q. Now, were you at home on the night
24 of September 21st leading into the earlier
25 morning of September 22nd?

GA

Gonzalez

1 A. Yes, I stepped out for a second.

2 Q. I want to talk about when you were
3 at home on September 21st around 9:42 p.m.
4 Were you in your bedroom?

5 A. Yes.

6 Q. And that's the bedroom that shares
7 a wall with 125 Post Avenue?

8 A. Yes, correct.

9 Q. Can you tell us generally what you
10 were hearing?

11 A. I couldn't hear clearly at the
12 moment. I heard arguing from a man and a
13 woman. I heard things being thrown. I heard
14 like a loud -- that something hard hit the
15 floor. That happened a few times.

16 Q. And when you say something hard hit
17 the ground a few times, would that be about
18 four or five times?

19 A. Yes.

20 Q. And did you hear a woman screaming
21 stop?

22 A. Yes. I -- and I also heard
23 something hit my wall or like punch or
24 something.

25 Q. And around 10:30 that night, did

GA

Gonzalez

1 you leave your bedroom?

2 A. Yes.

3 Q. And around 11:50 at night, did you
4 return to your apartment?

5 A. Yes, around 11:53.

6 Q. And did you go to your bedroom and
7 hear more from next door again?

8 A. Yes. They were having an
9 altercation. And I heard a female say stop and
10 to get off of her and to please leave, that she
11 will not talk to the cops or anything, that
12 there was blood all over her floor and just
13 kept on arguing. And he like -- she said to
14 get off of her.

15 Q. Did she also say that she couldn't
16 breathe?

17 A. Yes, she said she couldn't breathe
18 and that he was hurting her.

19 Q. And did he say anything in
20 response?

21 A. He said -- when she said that, he
22 was going for him to get out -- he said no.
23 They were also arguing and he said something
24 about, I was calling you all day, you didn't
25 answer. You were with somebody else. She said

CA

Gonzalez

1 -- she kept saying no. And from what I could
2 hear, he was hitting her because she was, like,
3 screaming in pain and saying no and to stop in
4 a painful voice.

5 Q. Did you hear her asking for an
6 ambulance?

7 A. Yes, she asked for an ambulance and
8 he said no.

9 Q. And did things get a little quieter
10 closer to 12:11 now on September 22nd?

11 A. Yes, and then they started back up
12 around 12:25.

13 Q. And what was the male voice saying?

14 A. That's when he said, I fucking love
15 you. And he also said something about a
16 cigarette and about the cheating.

17 Q. And when that is happening, did you
18 call the police eventually?

19 A. Yes, I did.

20 Q. And would that have been around
21 12:45?

22 A. Yes.

23 Q. And did the police come to your
24 apartment and speak to you around 12:50?

25 A. Yes, they did.

GA

Gonzalez

1 Q. And after they did that, could you
2 hear from the same direction as those sounds
3 knocking at a door next door?

4 A. Yes. They were knocking for a
5 little bit until somebody opened the door. I
6 went to check the window. I saw the police
7 cars at this time outside, and I also heard
8 them ask the female if that was her apartment.

9 MR. MURPHY: I have no further
10 questions for this witness. Do any of
11 the grand jurors? Seeing no hands, I'll
12 walk you out.

13 (WITNESS EXCUSED)
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GA

EXHIBIT: B

Additional Fingerprint Response

ORI: NY0303034
 NYCPD PCT 034
 NYSID: 08072547K

New York State Division of Criminal Justice Services
 4 Tower Place
 Albany NY 12203-3764
 Tel: 1-800-262-DCJS

Mihail C. Green, Executive Deputy Commissioner of the NYS Division of Criminal Justice Services

Transaction Data



Name: DJUAN COLLINS
 Transaction ID: 33321698
 Agency ORI: NY0303034
 SSN:
 Type of Submission: ARREST
 Date Fingerprinted: September 22, 2018
 Reason Fingerprinted: Adult Arrest

Arrest/Charge Information

Arrest Date: September 22, 2018 01:06 am (01:06:00)

Name: DJUAN COLLINS
 Date of Birth: July 16, 1970
 US Citizen:
 Sex: Male
 Race: Black
 Ethnicity: Not Hispanic
 Height: 5' 09"
 Weight: 180
 Age at time of crime/arrest: 48
 Address: 714 EAST 214 STREET, BRONX, NY 10467
 Fax Number: M34901
 Place of Arrest: NYCPD 34
 Arrest Type: Unknown
 Date of Crime: September 22, 2018
 Place of Crime: NYCPD 34
 Criminal Justice Tracking No.: 68756028Z
 Arresting Agency: NYCPD PCT 034
 Arresting Officer ID: 953826
 Arrest Number: M18649472
 Arraignment: New York County Criminal Court

Arrest Charges:

-- Strangulation 2nd-Obstruct Breath/Blood Circ-Cause Physical Injury				
PL121.12	Class D	Felony	Degree 2	NCIC 1399
-- Assault 3rd Degree: With Intent To Cause Physical Injury				
PL120.00 Sub 01	Class A	Misdemeanor	Degree 3	NCIC 1399

Transaction Status Information

Activity	Date/Time	Elapsed
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● FBI Information

The following information is provided in response to your request for a search of the FBI based on:

NYSID: 08072547K
Purpose Code: C

ATN/III-SID8072547K/CASE- 18649472

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

State Id Number NY8072547K ()
Request Id
Purpose Code C
Attention III-SID8072547K/CASE- 18649472

The information in this rap sheet is subject to the following caveats:

This record is based only on the SID number in your request-NY8072547K
Because additions or deletions may be made at any time, a new copy
should be requested when needed for subsequent use. (US; 2018-09-22)
All entries contained in this FBI record are based on fingerprint
comparisons and pertain to the same individual. (US; 2018-09-22)
The use of this record is regulated by law. It is provided for official
use only and may be used only for the purpose requested. (US;
2018-09-22)

***** IDENTIFICATION *****

Subject Name(s)

COLLINS, D JUAN E
COLLINS, DJUAN (AKA)
COLLINS, DJUAN (AKA)
COLLINS, DJUAN ELIHU (AKA)
COLLINS, DEONTE (AKA)
COLLINS, DJAUNE (AKA)
COLLINS, DJUAN (AKA)
COLLINS, DJUANA (AKA)
COLLINS, DJUANE (AKA)
COLLINS, DJUANELIHU (AKA)
COLLINS, DJUANR (AKA)
COLLINS, DJUANE (AKA)
COLLINS, JUAN (AKA)
COLLINS, NICHOLASE (AKA)
JOHNSON, JEMALE (AKA)

Subject Description

FBI Number 8100KA9
State Id Number NY8072547K (NY)

Social Security Number
324748154
324748145

Sex Male Race Black

Height 5'06" Weight 145 Date of Birth 1970-07-16
1971-07-16

Hair Color Black Eye Color Brown Fingerprint Pattern
PMCI041713DI64AA1915 (FPC)

Scars, Marks, and Tattoos

Code Description, Comments, and Images
TAT CHEST , TATTOO ON CHEST
SC NOSE , SCAR ON NOSE

Place of Birth Illinois Citizenship United States

Fingerprint Images

(No Fingerprint Image Transmitted
Comment:)

Photo Images

(No Photo Image Transmitted)
(No Photo Image Transmitted)
(No Photo Image Transmitted)
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***** CRIMINAL HISTORY *****

===== Cycle 001 =====

Earliest Event Date 1988-12-23

Arrest Date 1988-12-23
Arrest Case Number 837880
Arresting Agency ILCPD0000 POLICE DEPARTMENT
Charge 1
Charge Literal BURGLARY
Severity Unknown

===== Cycle 002 =====

Earliest Event Date 1989-03-18

Arrest Date 1989-03-18
Arrest Case Number 89-014726
Arresting Agency IL0160000 CO SHER-PD COMM CTR
Subject's Name COLLINS, JUAN
Charge 1
Charge Literal BURGLARY
Severity Unknown

===== Cycle 003 =====

September 22, 2018 03:45:01 am

Earliest Event Date 1989-06-23
 Arrest Date 1989-06-23
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name COLLINS, DJUAN
 Charge 1
 Charge Literal ARMED ROBBERY
 Severity Unknown

Court Disposition (Cycle 003)
 Court Case Number
 Court Agency
 Charge 1
 Charge Literal ARMED ROBBERY
 Severity
 Disposition (; 06-23-89 FNPC)

===== Cycle 004 =====

Earliest Event Date 1990-04-12
 Arrest Date 1990-04-12
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name COLLINS, DJUAN E
 Charge 1
 Charge Literal BATTERY
 Severity Unknown

===== Cycle 005 =====

Earliest Event Date 1990-06-02
 Arrest Date 1990-06-02
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name COLLINS, DJUAN E
 Charge 1
 Charge Literal BURGLARY
 Severity Unknown
 Charge 2
 Charge Literal SIMP BTRY
 Severity Unknown

===== Cycle 006 =====

Earliest Event Date 1990-06-30
 Arrest Date 1990-06-30
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name COLLINS, DJUAN R
 Charge 1
 Charge Literal ATT THEFT
 Severity Unknown

===== Cycle 007 =====

Earliest Event Date 1990-08-30
 Arrest Date 1990-08-30
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name JOHNSON, JEMAL E
 Charge 1
 Charge Literal BATTERY
 Severity Unknown

===== Cycle 008 =====

Earliest Event Date 1990-09-12
 Arrest Date 1990-09-12
 Arrest Case Number 837880

Charge 1
 Charge Literal WRT BURGLARY
 Severity Unknown
 ===== Cycle 009 =====
 Earliest Event Date 1991-04-20

Arrest Date 1991-04-20
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name COLLINS, DJUAN E
 Charge 1

Charge Literal THEFT
 Severity Unknown

===== Cycle 010 =====
 Earliest Event Date 1991-06-24

Arrest Date 1991-06-24
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name COLLINS, DJUAN
 Charge 1

Charge Literal AGGRAVATED ASSAULT
 Severity Unknown

===== Cycle 011 =====
 Earliest Event Date 1991-08-06

Arrest Date 1991-08-06
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Charge 1

Charge Literal CRIM TRESP
 Severity Unknown

===== Cycle 012 =====
 Earliest Event Date 1991-12-21

Arrest Date 1991-12-21
 Arrest Case Number 91673643
 Arresting Agency IL0160000 CO SHER-PD COMM CTR
 Subject's Name COLLINS, DJUAN E
 Charge 1

Charge Literal VOP
 Severity Unknown

===== Cycle 013 =====
 Earliest Event Date 1992-01-03

Arrest Date 1992-01-03
 Arrest Case Number B-19592
 Arresting Agency IL099015C RECPT/CLASS CORR CTR
 Subject's Name COLLINS, DJUAN
 Charge 1

Charge Literal BURGLARY
 Severity Unknown

Court Disposition (Cycle 013)
 Court Case Number
 Court Agency

Charge 1
 Charge Literal BURGLARY
 Severity
 Disposition (; 5 YS)

===== Cycle 014 =====
 Earliest Event Date 1992-02-04

Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name COLLINS, DJUAN E
 Charge 1
 Charge Literal CRIMINAL TRESPASS STATE LAND
 Severity Unknown

----- Cycle 015 -----
 Earliest Event Date 1992-03-25

Arrest Date 1992-03-25
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name COLLINS, DJUAN E
 Charge 1
 Charge Literal BFW CRIM TRESP STATE SUP LAND
 Severity Unknown

----- Cycle 016 -----
 Earliest Event Date 1992-03-26

Arrest Date 1992-03-26
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name COLLINS, DJAUN E
 Charge 1
 Charge Literal BATTERY
 Severity Unknown

----- Cycle 017 -----
 Earliest Event Date 1992-05-30

Arrest Date 1992-05-30
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name COLLINS, NICHOLAS E
 Charge 1
 Charge Literal THEFT
 Severity Unknown

----- Cycle 018 -----
 Earliest Event Date 1992-08-07

Arrest Date 1992-08-07
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name COLLINS, DEONTE
 Charge 1
 Charge Literal CRIM DAM TO PROPERTY
 Severity Unknown

Charge 2
 Charge Literal BATTERY
 Severity Unknown

----- Cycle 019 -----
 Earliest Event Date 1992-08-12

Arrest Date 1992-08-12
 Arrest Case Number 837880
 Arresting Agency ILCPD0000 POLICE DEPARTMENT
 Subject's Name COLLINS, DJUAN
 Charge 1
 Charge Literal ARMED ROB
 Severity Unknown

----- Cycle 020 -----
 Earliest Event Date 1993-06-11

Arrest Date 1993-06-11
 Arrest Case Number B19592

Arresting Agency 19090070 ILCPD/CLEGG CORR, QTR
 Subject's Name COLLINS, DJUAN
 Charge 1

Charge Literal BURGLARY
 Severity Unknown

Court Disposition (Cycle 020)

Court Case Number

Court Agency

Charge 1

Charge Literal BURGLARY

Severity

Disposition (; 5 YS)

----- Cycle 021 -----

Earliest Event Date 1993-08-22

Arrest Date 1993-08-22

Arrest Case Number

Arresting Agency ILCPD0000 POLICE DEPARTMENT

Subject's Name COLLINS, DJUAN

Charge 1

Charge Literal CTTSPL

Severity Unknown

Charge 2

Charge Literal D/C

Severity Unknown

----- Cycle 022 -----

Earliest Event Date 1994-01-25

Arrest Date 1994-01-25

Arrest Case Number

Arresting Agency ILCPD0000 POLICE DEPARTMENT

Subject's Name COLLINS, DJUAN E

Charge 1

Charge Literal THEFT

Severity Unknown

----- Cycle 023 -----

Earliest Event Date 1994-04-04

Arrest Date 1994-04-04

Arrest Case Number

Arresting Agency ILCPD0000 POLICE DEPARTMENT

Charge 1

Charge Literal BATTERY

Severity Unknown

----- Cycle 024 -----

Earliest Event Date 1994-08-18

Arrest Date 1994-08-18

Arrest Case Number

Arresting Agency ILCPD0000 POLICE DEPARTMENT

Subject's Name COLLINS, DJUAN

Charge 1

Charge Literal CRIM TRESPASS TO VEHICLES AM

Severity Unknown

***** INDEX OF AGENCIES *****

Agency POLICE DEPARTMENT; ILCPD0000;

Agency Email Address

Agency Email Address

Agency Email Address

Address

RECORDS DIVISION
 CHICAGO, IL 606531020

Agency CO SHER-PD COMM CTR; IL0160000;

Agency Email Address

Agency Email Address

Agency Email Address

Address

DES PLAINES, IL 60016

Agency

RECPT/CLASS CORR CTR; IL099015C;

Agency Email Address

Agency Email Address

Agency Email Address

Address

LOCKPORT, IL 60441

* * * END OF RECORD * * *

EXHIBIT:C

PEOPLE VS. DJUAN COLLINS COUNTY OF NEW YORK INDICTMENT NO. 3510-18
2018NY038712

Supreme Court of the State of New York
County of New York

3510/18
Case Number/Year

**NOTICE OF
APPEARANCE**

THE PEOPLE OF THE STATE OF NEW YORK
VS.

☐ Interpreter Required

Language

Djuan Collins
Defendant

To the Clerk of the Court:
You are hereby notified that I appear for the defendant in the above-entitled action

Law Firm for the Defendant... Legal Aid Society

Attorney for the Defendant... Yvonne Nix

Address... 49 Thomas St
NY, NY 10013

Telephone Number... (212) 298-5245

Beeper/Cell Number... (917) 359-8806

Fax Number... (646) 66-4245

Signature

- ☒ Legal Aid Society
☐ NY County Defender Services
☐ Neighborhood Defender Service
☐ 18B
☐ Retained

Dated: 10/25/18

OUNT _____
ILED _____ 20 _____ \$ _____
RETY _____

TICLE 730 EXAMINATION

DERED _____ 20 _____

WARRANT ORDERED _____ 20 _____

JUSTICE _____

☐ BAIL FORF. ☐ ROR REVOKED

ROW _____ 20 _____ ☐ VOL. ☐ INVOL.

JUSTICE _____

☐ RECALL FORF. ☐ BAIL EXON ☐ BAIL REINSTATED

EXHIBIT: D

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Djuan Collins (M 48),

Defendant.

FAMILY OFFENSE
DEPENDANT/VICTIM
RELATIONSHIP: GIRLFRIEND
FELONY
ADA Mark Murphy
(212) 335-9947

Police Officer Lorraine Ramos, Shield #20126 of the 34th Precinct, states as follows:

The defendant is charged with:

- | | |
|----------------|---|
| 1 PL 121.12 | Strangulation in the Second Degree
(defendant #1: 1 count) |
| 2 PL 120.00(1) | Assault in the Third Degree
(defendant #1: 1 count) |

On or about September 22, 2018 at about 12:20 A.M., at 125 Post Avenue in the County and State of New York, The defendant, with intent to impede the normal breathing and circulation of the blood of another person, applied pressure on the throat and neck of such person, and thereby caused stupor, loss of consciousness for any period of time, and any other physical injury and impairment; the defendant, with intent to cause physical injury to another person, caused such injury to another person.

The factual basis for these charges are as follows:

I am informed by an individual known to the District Attorney's Office, that she observed the defendant punch her in the head and kick her, causing bleeding to her head and substantial pain. I am further informed that she observed the defendant place both hands around her neck, while she was on the ground, and apply pressure to her neck, causing her to lose consciousness.

False statements made in this written instrument are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, and as other crimes.

P.O. Ramos
Police Officer Lorraine Ramos

9/22/18
Date

1334
Time

EXHIBIT: E

CRIMINAL COURT OF THE CITY OF NEW YORK
RECORD OF COURT ACTION

e 1/29/18 rt F dge 20PR eporter hearer ate art udge eporter	HOLD <u>1 App waited</u> <u>NOGTA</u> <u>No v/R</u> X-1E <u>Wain 180.80</u> <u>30-30</u> <input checked="" type="checkbox"/> TOP <u>SBC</u> Bail Condition	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 33%;">Present</th> <th style="width: 33%;">Absent</th> <th style="width: 33%;">Readiness</th> </tr> <tr> <td><input type="checkbox"/> Defendant</td> <td><input checked="" type="checkbox"/> Defendant</td> <td><input type="checkbox"/> π ready</td> </tr> <tr> <td><input checked="" type="checkbox"/> Attorney</td> <td><input type="checkbox"/> Attorney</td> <td><input type="checkbox"/> π not ready</td> </tr> <tr> <td colspan="3">Interpreter</td> </tr> <tr> <td colspan="3">Reason for Adjournment</td> </tr> <tr> <td> <input type="checkbox"/> S/D <input type="checkbox"/> OFD/Discovery <input type="checkbox"/> Possible Disposition <input type="checkbox"/> Decision </td> <td> <input type="checkbox"/> Hearing <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Program </td> <td></td> </tr> <tr> <td colspan="3" style="height: 50px; vertical-align: middle; text-align: center;"> F GTA 10/11/18 </td> </tr> <tr> <td colspan="3">Notify</td> </tr> <tr> <td><input type="checkbox"/> Charged</td> <td><input type="checkbox"/> Defendant</td> <td><input type="checkbox"/> Defendant Excused</td> </tr> <tr> <td><input type="checkbox"/> Excluded</td> <td><input type="checkbox"/> Attorney</td> <td></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 33%;">Present</th> <th style="width: 33%;">Absent</th> <th style="width: 33%;">Readiness</th> </tr> <tr> <td><input type="checkbox"/> Defendant</td> <td><input type="checkbox"/> Defendant</td> <td><input type="checkbox"/> π ready</td> </tr> <tr> <td><input type="checkbox"/> Attorney</td> <td><input type="checkbox"/> Attorney</td> <td><input type="checkbox"/> π not ready</td> </tr> <tr> <td colspan="3">Interpreter</td> </tr> <tr> <td colspan="3">Reason for Adjournment</td> </tr> <tr> <td> <input type="checkbox"/> S/D <input type="checkbox"/> OFD/Discovery <input type="checkbox"/> Possible Disposition <input type="checkbox"/> Decision </td> <td> <input type="checkbox"/> Hearing <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Program </td> <td></td> </tr> <tr> <td colspan="3" style="height: 50px;"></td> </tr> <tr> <td colspan="3">Notify</td> </tr> <tr> <td><input type="checkbox"/> Charged</td> <td><input type="checkbox"/> Defendant</td> <td><input type="checkbox"/> Defendant</td> </tr> </table>	Present	Absent	Readiness	<input type="checkbox"/> Defendant	<input checked="" type="checkbox"/> Defendant	<input type="checkbox"/> π ready	<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Attorney	<input type="checkbox"/> π not ready	Interpreter			Reason for Adjournment			<input type="checkbox"/> S/D <input type="checkbox"/> OFD/Discovery <input type="checkbox"/> Possible Disposition <input type="checkbox"/> Decision	<input type="checkbox"/> Hearing <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Program		F GTA 10/11/18			Notify			<input type="checkbox"/> Charged	<input type="checkbox"/> Defendant	<input type="checkbox"/> Defendant Excused	<input type="checkbox"/> Excluded	<input type="checkbox"/> Attorney		Present	Absent	Readiness	<input type="checkbox"/> Defendant	<input type="checkbox"/> Defendant	<input type="checkbox"/> π ready	<input type="checkbox"/> Attorney	<input type="checkbox"/> Attorney	<input type="checkbox"/> π not ready	Interpreter			Reason for Adjournment			<input type="checkbox"/> S/D <input type="checkbox"/> OFD/Discovery <input type="checkbox"/> Possible Disposition <input type="checkbox"/> Decision	<input type="checkbox"/> Hearing <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Program					Notify			<input type="checkbox"/> Charged	<input type="checkbox"/> Defendant	<input type="checkbox"/> Defendant
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<input type="checkbox"/> Charged	<input type="checkbox"/> Defendant	<input type="checkbox"/> Defendant																																																									

Judge

EXHIBIT: F

GJ #5-4

Filed:

Waived

2018NY038712

No.

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DJUAN COLLINS,

Defendant.

INDICTMENT

STRANGULATION IN THE SECOND DEGREE, P.L. §121.12
ASSAULT IN THE THIRD DEGREE, P.L. §120.00(1)

CYRUS R. VANCE, JR., District Attorney

A True Bill

Mark Murphy
Trial Bureau 50

Foreman

ADJOURNED TO PART F ON 10/11/2018

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DJUAN COLLINS,

Defendant.

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendant of the crime of **STRANGULATION IN THE SECOND DEGREE**, in violation of Penal Law §121.12, committed as follows:

The defendant, in the County of New York, on or about September 22, 2018, with intent to impede the normal breathing and circulation of the blood of a person known to the Grand Jury, applied pressure on the throat and neck of such person, and thereby caused stupor, loss of consciousness for any period of time, and any other physical injury and impairment.

SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **ASSAULT IN THE THIRD DEGREE**, in violation of Penal Law §120.00(1), committed as follows:

The defendant, in the County of New York, on or about September 22, 2018, with intent to cause physical injury to a person known to the Grand Jury, caused such injury to such person.

CYRUS R. VANCE, JR.
District Attorney

EXHIBIT: G

#27.00

TRANSCRIPT REQUESTTODAY'S DATE: 10/16/18 DUE DATE: DailyNAME: Gregory RheubottomTELEPHONE #: (347) 797-8194COURT REPORTER: D. Frigo M. JiminezCOURT REPORTER TEL. # (646) 386-4787DEFENDANT'S NAME: Juan CollinsDOCKET/INDICTMENT #: 2018 NY 038712DATE OF PROCEEDINGS: 9/22/18PART/JUDGE: AN3, Watters2018 OCT 16 PM 1:06
CLERK

*****COURT REPORTERS*****

PLEASE NOTIFY THE PERSON ORDERING THE MINUTES WITH AN ESTIMATE
FOR THE TRANSCRIPT OR IF THE CASE DOES NOT APPEAR ON THE CALENDAR.

CSEA - 2009

COURT REPORTER MINUTE AGREEMENT FORM (Private Party Transactions)

Please Type or Print, Clearly

1. Criminal Court, New York County.Part No. AR3 Name of Judge/Justice Watters2. Name of Case People
Juan collins3. Court Docket/File/Index Number 2018 NY 138712 4. Date(s) of Minutes Requested 10/16/18

5. Type of Proceeding (check one or more):

Arraignment ☒ Application ☐ Hearing ☐ Plea ☐ Trial ☐ Sentence ☐

Other (specify): _____

6. Pursuant to Section 108 of the Rules of the Chief Administrative Judge, the rates per page for transcripts of proceedings reported in New York State courts shall be as follows:

Regular Delivery: \$3.30 - \$4.30 (original)
\$1.00 (each copy)Expedited Delivery: \$4.40 ~~(\$5.40)~~ (original)
\$1.10 (each copy)Daily Delivery: \$5.50 - \$6.50 (original)
\$1.25 (each copy)

\$27.80

Balance

Received \$27 on 10/22/18

7. Rate to be Charged Per Page: 5.40Regular ☐ Expedited ☒ Daily ☐ Other ☐ No. of Copies Ordered 18. Estimated Number of Pages: 5 9. Estimated Delivery Date: 10/22/18

10. Agreed:

<u>[Signature]</u> Court Reporter (signature)	_____ Attorney/Party (signature)	_____ Date of Agreement
--	-------------------------------------	----------------------------

Name of Reporter <u>Melissa Jimenez</u>	Name of Attorney/Party _____
Address _____	Firm/Address _____

Telephone Number <u>3</u>	Telephone Number _____
Fax Number _____	Fax Number _____

A copy of this agreement form will be maintained by the court reporter and must be provided by the court reporter at the request of the State.

1 CRIMINAL COURT OF THE CITY OF NEW YORK
2 COUNTY OF NEW YORK: PART AR3
-----X

3 THE PEOPLE OF THE STATE OF NEW YORK, DOCKET NO.
4 -against- 2018NY038712

5 DJUAN COLLINS,

6 Defendant.

7 -----X
8 100 Centre Street
9 New York, New York

10 September 22, 2018

11 B E F O R E:

12 THE HONORABLE J. WATTERS

13 A P P E A R A N C E S:

14 FOR THE PEOPLE:

15 CYRUS R. VANCE JR.
16 District Attorney, New York County
One Hogan Place
New York, New York 10013

17 BY: ROY CHON, ESQ.

18 FOR THE DEFENDANT:

19 LEGAL AID SOCIETY
20 49 Thomas Street
21 New York, New York 10013

22 BY: YVONNE NIX, ESQ.

23 Melissa Jimenez-De Armas
24 Official Court Reporter
25

1 COURT OFFICER: 2018NY038712, Djuan Collins.
2 Defendant is charged with strangulation in the second
3 degree, assault third degree. Defendant also has a
4 warrants, 2016 SAP warrant SX39136, open container of
5 alcohol.

6 Counsel, waive the readings, not the rights?

7 MS. NIX: Yes

8 COURT OFFICER: Move to vacate the warrants?

9 MS. NIX: Yes.

10 THE COURT: Warrant vacated, summons dismissed.
11 People?

12 MR. CHON: The People are serving felony grand
13 jury notice and inquiring as to cross.

14 MS. NIX: Serving written cross grand jury notice
15 to the People.

16 MR. CHON: People are in receipt.

17 The People are serving on defense counsel a
18 Wiggins letter indicating our intent to present the case to
19 the grand jury in room 907 of One Hogan Place on
20 September 26th, at 10:00 a.m.

21 The People are reserving both statement and
22 identification notice at this time and submitting a family
23 registry to the Court and requesting a temporary order of
24 protection in this matter. We are also requesting \$50,000
25 bail.

1 This defendant's out-of-state record, to begin
2 with, includes burglary, armed robbery, battery and
3 trespass.

4 In New York City alone he has two misdemeanor
5 convictions, two parole revocations and two felony
6 convictions, including a robbery in the second degree where
7 he was sentenced to five to ten years in prison. He's also
8 now a predicate felon from a drug case where he was
9 sentenced to eight years' state prison, and as a predicate
10 felon he is facing a minimum of three years' state prison
11 here in this case.

12 Here in this case a third-party caller alerted
13 police to respond to the victim's apartment and the victim
14 reports that the defendant punched and kicked her before
15 throwing her to the ground, proceeding to climb to top of
16 her, choking her with both of his hands until she lost
17 consciousness. A police officer observed the victim
18 bleeding from the head and blood on the walls of the
19 apartment, and the victim did go to the hospital for a CT
20 scan and treatment. Because of the seriousness of this
21 case and the defendant's prior record and in this case,
22 bail is necessary to secure his return.

23 THE COURT: How much bail did you recommend?

24 MR. CHON: \$50,000.00.

25 MS. NIX: I would ask the Court set a lower, more

1 reasonable bail, something in the area of maybe \$5,000, or
2 alternatively consider releasing my client on his own
3 recognizance.

4 My client, while he does have a criminal record,
5 his last conviction is from 2007, nearly eleven years ago.
6 He completed his parole, he has been living with some
7 pretty serious disabilities, has a pretty serious medical
8 condition, has been attending weekly therapy sessions and
9 has been seeing doctors and has been trying to get his life
10 together, and he absolutely denies these allegations.

11 While he does have a record, he does not have any
12 type of history of domestic violence. He has battled
13 substance abuse and he has overcome pretty significant
14 substance abuse in the past and denies any type of domestic
15 violence allegations here. I did confirm my client's
16 community ties with his mother, and my client's family has
17 known the complaining witness who has been involved with my
18 client for the past four years as somebody who is a
19 substance abuser and who tends to be quite belligerent on
20 occasion.

21 My client has been living in the same apartment
22 for four years, he has a cat and a dog in his apartment, he
23 is very much involved in his son's life, he also has a
24 grandson who he has been in regular contact with. His
25 family is very concerned about him.

1 I have spoken with him a couple of times this
2 evening, and I would ask the Court to set a more reasonable
3 bail and I would point out the injuries alleged here, it
4 appears that after the complaining witness received medical
5 treatment at the hospital, the injuries alleged are really
6 misdemeanor injuries, assault three injuries. My client
7 absolutely denies any type of strangulation. For these
8 reasons I'm asking the Court to set a lower type of bail.

9 THE COURT: Thank you. Mr. Collins, while case is
10 pending you are to have no contact with Melinda owns. No
11 contact in person, phone, e-mail, messages, cards, letters
12 Facebook, including sending messages through other people.
13 No third-party contact or you'll be re-arrested, do you
14 understand?

15 THE DEFENDANT: Yes.

16 THE COURT: Bail is set in the amount of \$35,000
17 insurance company bail bond over \$35,000 cash.

18 MS. NIX: I would ask if you could mark the file
19 medical attention.

20 THE COURT: I'll mark that medical attention.

21 * * * * *
22 REPORTER'S CERTIFICATION

23 Certified to be a true and accurate transcript of the original
24 stenographic notes.

25 
MELISSA JIMENEZ-DE ARMAS
Official Court Reporter

EXHIBIT: H

Investigator Notes from 9/25/18

I just spoke with Melinda Owen. Ms. Owen was just released from the hospital yesterday. She was physically in pain, but coherent/alert. Ms. Owen is not interested in pressing charges or participating in the prosecution of Mr. Collins. Ms. Owens is only interested in an order of protection against client. According to Ms. Owen, her roommate (Mary) was present during the time of the incident, but didn't see anything. I asked Ms. Owen where Mary was today while I was interviewing her. Ms. Owen said that Mary was asleep at the moment. The DA came to speak with Ms. Owen while she was in the hospital, but she was in so much pain and the pain medication really didn't allow her to focus. Ms. Owen couldn't recall all the details with the DA. Ms. Owen did say that the DA said he would arrange for a car to pick her up and bring her to the DA's office. I explained to Ms. Owen what a supporting deposition is and what that entails. Ms. Owen gave me client's glasses because she was worried about client not being able to see.

Ms. Owen mentioned that it was client who thinks that she is cheating and that's why client was upset. Ms. Owen said that client even confronted the guy who was accused of sleeping with Ms. Owen. I left my info with Ms. Owen in case she needs to get in touch with me. Her cell phone is off at the moment.

She claimed that she had a broken rib (it appeared the pain was coming from her left side) and a punctured lung.

EXHIBIT: I

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 51

----- X
THE PEOPLE OF THE STATE OF NEW YORK, :

- against - :

DECISION AND ORDER

DJUAN COLLINS, :

Ind. No. 3510/18

Defendant. :

----- X
MICHAEL OBUS, J.:

Defendant's omnibus motion is decided as follows:

1. The motion to inspect the Grand Jury minutes is granted. The motion to dismiss or reduce the charges for legal insufficiency of the evidence or defects in the proceedings is denied. The Court has inspected the Grand Jury minutes and finds that they are legally sufficient to support the charges and that the proceedings were properly conducted.

2. The application for release of the Grand Jury minutes is denied.

3. The motion for discovery and a bill of particulars is granted to the extent provided by the People with leave to defendant to apply to the Court within fifteen days of the date of this decision for any additional items unreasonably withheld. The People are reminded of their continuing duty to supply all Brady material.

4. The defense is directed to respond to the prosecutor's demand for reciprocal discovery by the next adjourn date.

HEARINGS

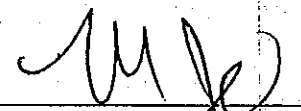
5. The motion to suppress evidence concerning statements is granted insofar as to order a Dunaway/Huntley hearing.

6. The motions to preclude identification and statement evidence for the failure to provide CPL 710.30 notice, and for a voluntariness hearing regarding any unnoticed statements, are denied as premature.

7. The Sandoval and Ventimiglia motions will be heard immediately before trial.

This shall constitute the decision and order of the Court.

Dated: New York, New York
January 3, 2019



J.S.C.
HON. MICHAEL J. OBUS

EXHIBIT: J

D'Juan Collins
B&C# 349-18-07053
O.B.C.C.
1600 Hazen St.
East Elmhurst, N.Y. 11370

The Legal Aid Society
Criminal Defense Office
49 Thomas St.
N.Y., N.Y. 10013

March 7, 2019

Re: Discovery Demand

Dear Ms. Yvonne Nix, Esq.

As you are aware or should be aware, I was arrested on September 22, 2018 and arraigned upon the felony complaint.

I was subsequently indicted in Pt. 51 in Judge, Michael Obus' Court.

Pursuant to CPL §240.20 a Demand for Discovery was made; the People are to have complied with the Discovery Demand within 15 days thereafter, unless the People refuse to comply with the demand pursuant to CPL §240.80.

Matters that are discoverable on demand must be turned over without regard to whether or not the evidence is required under the Constitution. *People v. Dagata*, 88 N.Y.2d 40 (1995).

In the event of the People's refusal, which must be in writing and set forth the grounds thereof (CPL §240.35), the defendant may move for a court order directing compliance (CPL §240.40).

Such a motion should be included in the omnibus motion under CPL Article 255, which is normally served or filed 45 days after arraignment (see, CPL §240.90[2]).

To this date and after numerous request from me, the principal, I have consistently, and patiently awaited the material turned over to you by the D.A. pursuant to the discovery demand (i.e., CD of the 911 sprint report, bodycam footage on DVD, Grand Jury minutes of witness, UF61, DD5, UF250 NYPD investigative reports).

Failure to turn over these materials, as well as other and all materials related to this case to me puts me at a serious disadvantage in the decision making process.

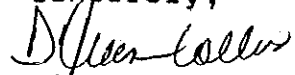
I, and I alone have to make informed decisions to go to trial or plea bargain but I can't because my agent and legal assistant has failed to inform me of such things, when it's in your legal duty to so.

If you refuse, ignore or forestall my demand for discovery related material, I accept your withdrawal from my case.

Also, please take notice, I am respectfully requesting to be kept informed on all matters appearing before the court and as such, demand a copy of the omnibus motion, answer to omnibus motion and decision & order, as well as a copy of the appearance docket from the felony arraignment to present.

If any or all of the materials sought are denied in whole or part, please state your reason for denial in writing, thank you.

Sincerely,


D'Juan Collins

cc: President, Blaine V. Fogg,
Attorney-in-Chief,
Steven Banks,
Attorney-in-Charge,
Seymour W. James, Jr.,
Attorney-in-Charge,
Irwin Shaw

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF BRONX)

I, D'Juan Collins, being duly sworn, deposes and says:

That I have on this 7th day of March, 2019, placed in a properly sealed envelope, a letter dated, March 7, 2019, Re: Discovery Demand, to be mailed via the United States Postal Service, through the institutional mailroom at Otis Bantum Correctional Center located at 1600 Hazen St., East Elmhurst, N.Y. 11370 to the following parties:

President, Blaine V. Fogg
The Legal Aid Society
Criminal Defense Office
49 Thomas St.
N.Y., N.Y. 10013

Attorney-in-Charge,
Irwin Shaw
The Legal Aid Society
Criminal Defense Office
N.Y., N.Y. 10013

Attorney-in-Chief, Steven Banks
The Legal Aid Society
Criminal Defense Office
49 Thomas St.
N.Y., N.Y. 10013

Yvonne Nix, ESQ
The Legal Aid Society
Criminal Defense Office
N.Y., N.Y. 10013

Attorney-in-Chief,
Seymour W. James, Jr.
The Legal Aid Society
Criminal

Respectfully submitted,


D'Juan Collins

SWORN TO BEFORE ME THIS
7th DAY OF March, 2019.


NOTARY PUBLIC

ERNEST O. OMOROGRE
NOTARY PUBLIC-STATE OF NEW YORK
No. 010M6152449
Qualified in Suffolk County
My Commission Expires

9/11/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 51

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DJUAN COLLINS

Defendant.

CERTIFICATE OF
READINESS

Indictment No.
03510/2018

Mark Murphy, an Assistant District Attorney in the County of New York, hereby
certifies that the People are ready for trial in the above-entitled action.

Dated: New York, New York
October 25, 2018

Respectfully submitted,



Mark Murphy
Assistant District Attorney
(212) 335-9947

EXHIBIT:K

D'Juan Collins
B&C #3491807053
O.B.C.C.
16-00 Hazen St.
East Elmhurst, N.Y. 11370

The Legal Aid Society
49 Thomas St.
N.Y., N.Y. 10013

May 16, 2019

ATTN: Yvonne Nix

Ind. #03510/18

Dear Ms. Yvonne Nix, Esq.,

How are you? I am writing to you in hopes that this matter will be resolved and put to rest by next court date.

I am also inquiring into when will the District Attorney's Office for New York County turn over the bodycam footage from the night of September 22, 2018, as you have continuously represented to me that they have not turned over that footage and that you are not in possession of the bodycam footage?

If the bodycam footage is not turned over to you by our next court date of June 11, 19, will you request sanctions? If you are not going to request sanctions against the D.A. for violation of the discovery procedures and possible prejudice to defense on probable cause, please indicate your reason(s) for not requesting sanctions for non-production.

Also, see if this case can be settled via "time served" or an ACD?

Please take notice, I do not consent to anymore adjournments on us, nor have I ever given consent to any adjournments on us when the prosecution have stated upon the record, "we're not ready". I do understand that you have that authority as my counsel of record, however, it must be for strategic purpose, which you have failed to inform me what your strategy is. Or do you have a strategy for consenting to adjournments when the D.A.

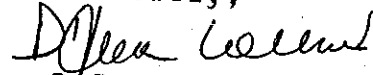
have repeatedly stated, "we're not ready?"

If there was no strategy then please indicate your reason(s) for adjourning the pre-trial upon the defense instead of objecting to the adjournment or just staying mute?

As long as you keep requesting adjournments when the D.A.'s office is saying they are not ready, that time is chargeable to us, actually me because I'm the one that's actually being injured.

Please respond in kind to all matters in this letter to ensure a peaceful attorney-client relationship, thanking you in advance for your time, look forward to hearing from you soon.

Sincerely,


D. Juan Collins

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF Brunswick) ss:

I, D'Quan Collins, being duly sworn, deposes and says:

That I have on the 16th day of May, 2019, placed and submitted the original and copies of this letter motion to be duly mailed via the United States Postal Service, through the institutional mailroom of the Otis Bantum Correctional Facility. Said moving papers were mailed to the following concerned parties:

District Attorney
County
[Signature]

Supreme Court
County
[Signature]

Yvonne Nix, Defense Counsel
The Legal Aid Society
49 Thomas St.
N.Y., N.Y. 10013

Yours, etc...

D'Quan Collins
DEFENDANT

Sworn to before me this
16th day of MAY, 2019.

[Signature]
NOTARY PUBLIC / COMMISSIONER OF DEEDS

ERNEST O. OMOROGBE
NOTARY PUBLIC-STATE OF NEW YORK
No. 010M6152449
Qualified in Suffolk County
My Commission Expires 9/1/2022

ERNEST O. OMOROGBE
NOTARY PUBLIC-STATE OF NEW YORK
No. 010M6152449
Qualified in Suffolk County
My Commission Expires

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

7-13-19

Dated

D' Juan

E.

D'Juan Collins

Plaintiff's Signature

Collins

First Name

Middle Initial

Last Name

16-00 Hazen St.,

Prison Address

East Elmhurst

N.Y.

11370

County, City

State

Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: 7-13-19

RECEIVED
SDNY PRO SE OFFICE
2019 JUL 30 AM 6:12
S.D. OF N.Y.



Pro Se Clerk's Office
United States District Court
Southern District of New York
U.S. Courthouse
500 Pearl St.
New York, N.Y. 10007



D'Juan Collins #349-18-07053
Otis Bantum Correctional Cent
16-00 Hazen St.
East Elmhurst, N.Y. 11370

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